

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ETHELBERT BROADNAX,

Plaintiff,

v.

CIVIL ACTION NO. 5:08-cv-01398

MICHAEL SHAMSTEN, et al.,

Defendants.

ETHELBERT BROADNAX

Plaintiff,

v.

CIVIL ACTION NO. 5:09-cv-01090

D.J. BAILEY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Ethelbert Broadnax's Amended Complaint [Case No. 5:08-cv-01398; Docket 13] and Complaint [Case No. 5:09-cv-01090; Docket 2]. By Order filed in these cases on May 4, 2010, these actions were referred to United States Magistrate Mary E. Stanley for submission of proposed findings and recommendation (PF&R). Magistrate Judge Stanley submitted a PF&R in each of these cases on June 24, 2010 [Dockets 30 and 18, respectively]. In each PF&R, the magistrate judge recommended that the Court dismiss Plaintiff's complaints due to failure to prosecute.


The Court is not required to review, under a de novo or any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of de novo review and Petitioner's right to appeal this Court's order. See *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Stanley's PF&R were due by July 12, 2010, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to either of the Proposed Findings & Recommendation in these cases. Therefore, the Court **ADOPTS** the Proposed Findings & Recommendation [Dockets 30 and 18, respectively], **ORDERS** Plaintiff's complaints [Dockets 13 and 2, respectively] **DISMISSED WITHOUT PREJUDICE**, and **DIRECTS** the Clerk to remove these matters from the Court's docket. A separate Judgment Order shall be separately entered by the Court.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 1, 2010



IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA